

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**DANIEL B. O'KEEFE and
CELESTE A. FOSTER O'KEEFE,
Individually and d/b/a THE DANCEL GROUP, INC.;
and THE DANCEL GROUP, INC.**

PLAINTIFFS

VS.

Civil Action No. 1:08cv600 HSO-LRA

**STATE FARM FIRE AND CASUALTY
COMPANY; MARSHALL J. ELEUTERIUS;
And John and Jane Doe Defendants A-H**

DEFENDANTS

**STATE FARM FIRE AND CASUALTY COMPANY'S RESPONSE
TO PLAINTIFFS' MOTION TO FILE EXHIBITS UNDER SEAL [274]**

State Farm Fire and Casualty Company ("State Farm") respectfully submits this response to Plaintiffs' motion to file exhibits under seal. [274].

By their motion, Plaintiffs seek to seal three exhibits that are attached to their response in opposition to a motion for protective order. *Id.* Those exhibits were originally attached to depositions taken in other Hurricane Katrina litigation. *See* Sealed Exhibits with [276]. Plaintiffs acknowledge in their motion that these exhibits "contain privileged information pursuant to a protective order and cannot be electronically filed with the Court." [274] at 1; *accord* [276] at 1. Yet, portions from the exhibits are read into deposition transcripts that Plaintiffs filed on PACER, which is publicly available. [273-3], [273-4], [273-5]. Therefore, this Court should require that those deposition transcripts be sealed for the same reasons that the exhibits themselves will be sealed. To hold otherwise would permit an improper end-run around the protective order and create an avenue to undermine protective orders in future cases.

Accordingly, in addition to requiring that the exhibits identified by Plaintiffs be sealed, the Court should require that the deposition transcripts that read from exhibits that "contain privileged information," [274], be removed from PACER and filed under seal.

RESPECTFULLY SUBMITTED, this 23rd day of October, 2009.

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BY: /s/ Dan W. Webb
DAN W. WEBB

CERTIFICATE OF SERVICE

I, Dan W. Webb, one of the attorneys for Defendant, State Farm Fire and Casualty Company, do hereby certify that on October 23, 2009, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF which will send a notice of electronic filing to the following:

Attorney for Plaintiffs

**Christopher C. Van Cleave, Esq.
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THIS, the 23rd of October, 2009.

/s/ Dan W. Webb
DAN W. WEBB